

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE
SW/S Reisterstown Rd., 120 ft
SE of Cedarmere Road
11214 Reisterstown Road * OF BALTIMORE COUNTY
4th Election District
4rd Councilmanic District * CASE # 91-400-SPHA
Cohen Berger Ltd. Partnership *
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Zoning Variance, variances from Section 413.2(e) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a total of six (6) business identification signs totalling 660.2 sq. ft. in lieu of the previously permitted five (5) identification signs totalling 518.47 sq. ft. and, pursuant to the Petition for Special Hearing, permission to amend the previously approved site plan in case No. 89-491-SPHA, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by Jerome H. Fader, appeared, testified and was represented by Julius Lichter, Esquire. Mr. and Mrs. Dennis R. Orr appeared as Protestants on behalf of the Kingsley Road Community Association.

Testimony indicated that the subject property known as the Owings Mills Auto Park consists of 11.44 acres +/-, split zoned B.M. and is currently improved with the Auto Park, as indicated on Petitioner's Exhibit No. 1.

Proffered testimony indicated that the Heritage Saturn Auto Dealership located within the Auto Park has recently acquired a "Saturn" automobile franchise. Petitioner testified that Saturn Corporation requires all of its franchisees to provide free-standing signage advertising the Saturn brand automobile as a condition of the Saturn dealer agreement (see Petitioner's Exhibit No. 3).

The Petitioner testified that Saturn Corporation provides a choice of three different size sign packages and that he has chosen the smallest of the three packages. Testimony indicated that sign no. 5, indicated on Petitioner's Exhibit No. 1, will be relocated and the proposed Saturn signs will take its place. The proposed signage will be back lighted and will not diffuse light onto any adjoining residential properties.

Mr. Fader testified that a majority of the parking lot lighting is shut off by 9:00 P.M. and that, by approximately 11:00 P.M., all parking lot signage is turned off. He further indicated that if the requested signage is denied, he will probably lose the Saturn franchise and will thereby suffer a hardship and practical difficulty.

Mr. Dennis Orr testified that while the Petitioner has been a good neighbor to this community, nevertheless, there exists a "confusion of signage" in this community along Reisterstown Road and opposes any increase signage on the Reisterstown corridor. Mr. Orr also indicated that he was concerned that the Auto Park has become overcrowded with automobile dealerships which, in turn, has created the "need" for additional dealership signage.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good. The Baltimore County Zoning Regulations currently relating signs for automotive dealerships are extremely outdated and do not anticipate current market conditions. The Baltimore County Zoning Regulations never reflected multi-dealership single parcel auto parks such as the Petitioner has in this particular case. Therefore, the only rational approach to implementing the sign regulations when faced with the practicalities of such a project is the variance procedure and the relief provided by Section 307.1 of the B.C.Z.R.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on the Petitions for Zoning Variance and Special Hearing held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of June, 1991 that, pursuant to the Petition

for Zoning Variance, a variance from Section 413.2(e) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a total of six (6) business identification signs totalling 660.2 sq. ft. in lieu of the previously permitted five (5) identifications signs totalling 518.47 sq. ft., is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing for permission to amend the previously approved site plan in case No. 89-491-SPHA, is hereby GRANTED, in accordance with Petitioner's Exhibit No. 1, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner for
Baltimore County

JRH:mmm
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE & SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-400-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2(e) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a total of six (6) business identification signs totalling 660.2 square feet in lieu of the previously permitted five (5) identification signs totalling 518.47 square feet. The undersigned, legal owner(s) of the property hereby petition for a Variance from Section 413.2(e) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a total of six (6) business identification signs totalling 660.2 square feet in lieu of the previously permitted five (5) identification signs totalling 518.47 square feet.

The undersigned, legal owner(s) of the property hereby petition for a Variance from Section 413.2(e) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a total of six (6) business identification signs totalling 660.2 square feet in lieu of the previously permitted five (5) identification signs totalling 518.47 square feet. The undersigned, legal owner(s) of the property hereby petition for a Variance from Section 413.2(e) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a total of six (6) business identification signs totalling 660.2 square feet in lieu of the previously permitted five (5) identification signs totalling 518.47 square feet.

- 5 identification signs & 1 other business sign are existing on the property pursuant to appropriate permits;
- the signs as shown are required as a condition of franchise agreements with the automobile manufacturers;
- sign necessary to identify product in auto park setting;
- sign required by Maryland Motor Vehicle Administration;
- for additional reasons as may be presented at the public hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Cohen Berger Limited Partnership
(Type or Print Name)
Signature
Louis A. Cohen, Partner
(Type or Print Name)
Signature

Attorney for Petitioner:
Julius W. Lichter, Esquire
(Type or Print Name)
Signature
Levin & Gann, P.A.
305 W. Chesapeake Ave. Suite 113
Towson, Maryland 21204
City and State

9428 Reisterstown Rd. 363-6500
Address Phone No.
Garrison, Maryland 21055
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Julius W. Lichter, Esquire
305 W. Chesapeake Ave. Suite 113
TOWSON, MD 21204 301-321-0600
Address Phone No.

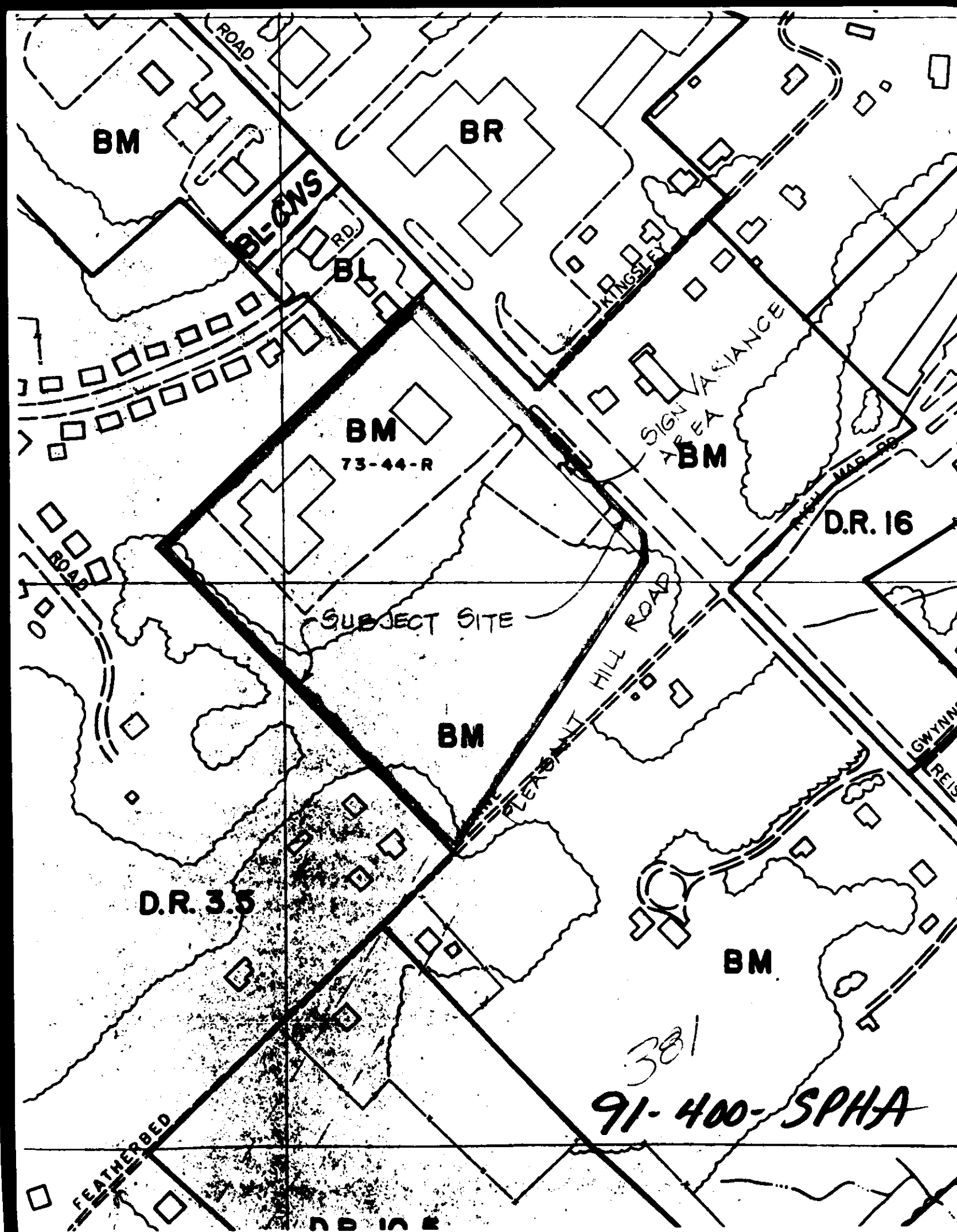
Attorney's Telephone No.: 301-321-0600

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of June, 1991.

1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 17th day of June, 1991, at 10:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)



KIDDE CONSULTANTS, INC.

DESCRIPTION
0.48 ACRE, MORE OR LESS PARCEL
SOUTHWEST SIDE REISTERSTOWN ROAD AT
HERITAGE AUTO PARK

91-400-SPHA

This description is for an amendment to existing sign variances in a "BM" zone.

BEGINNING FOR THE SAME at a point on the southwest side of Reisterstown Road, said point of beginning being South 43 degrees 43 minutes 00 seconds East

120.00 feet, more or less, from the southeast side of Cedarmere Road; thence binding on the southwest right of way line of Reisterstown Road

(1) South 43 degrees 43 minutes 00 seconds East 587.86 feet, more or less, to intersect the fillet line connecting Reisterstown Road with relocated Pleasant Hill Road; thence binding on said right of way of Pleasant Hill Road

(2) South 46 degrees 17 minutes 00 seconds West 7.00 feet; thence

(3) South 08 degrees 52 minutes 35 seconds East 34.46 feet; thence

(4) South 36 degrees 07 minutes 25 seconds West 8.45 feet; thence leaving said right of way line and binding on a line parallel to and 35.00 feet southwest of, as measured at right angles, from the aforesaid right of way line of Reisterstown Road

(5) North 43 degrees 43 minutes 00 seconds West 617.64 feet, more or less, to a point; thence

(6) North 46 degrees 34 minutes 31 seconds East 35.00 feet, more or less, to the point of beginning.

CONTAINING 0.48 acres of land, more or less, or 21,095 square feet, more or less.

RI/S/pk KCI Job Order No. 01-86159W Revised March 7, 1991

C. Allen Paul
3-7-91

June 4, 1991

Mr. Jerry Fader
Heritage Saturn
(dba Saturn of Owings Mills)
11216 Reisterstown Road
Owings Mills, MD 21117-1902

Dear Mr. Fader:

This letter pertains to the installation of a Saturn brand sign along Reisterstown Road in front of Saturn of Owings Mills. As of this writing, the only Saturn signage at Saturn of Owings Mills is on the front wall of the retail facility.

As we discuss this situation in moving forward, I would like to remind you of three areas of concern from the viewpoint of Saturn Corporation:

1. In light of our working relationship/partnership, we did agree to allow you to commence operations without the sign along Reisterstown Road. Please note that this was an exception; typically we require complete conformity to our sign program prior to opening. In fact, as you are aware, we prefer that our retailers proceed with "advanced" sign installation, up to 5 months prior to opening, to build awareness of our locations and ensure successful retailer launches.
2. The facility is difficult to find, especially when travelling north along Reisterstown Road. The brand signs of the other manufacturers can be seen along the road, but to find the Saturn facility, you almost have to look back and to the left to find the building while also travelling 40 miles per hour or better. I missed the facility once myself when we held a meeting there.
3. Most importantly, the Saturn sign program comprises one of the key elements of our image program. Consistency is a major element of our success; consistency in customer treatment, facilities, signage, interiors, and service. We often refer to our signs as Saturn's "golden arches" -- meaning that we hope to achieve the same type of instantaneous recognition that McDonald's has with its golden arches. The writers of the Saturn Dealer Agreement, which included Saturn dealers and Saturn and GM employees, felt that image management and a consistent sign program were important enough to

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 20, 1991

Julius W. Lichter, Esquire
Levin and Gann, P.A.
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: Petitions for Special Hearing and Zoning Variance
Cohen Berger Ltd. Partnership, Petitioner
Case #91-400-SPHA

Dear Mr. Lichter:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmn
att.
cc: Peoples Counsel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

June 13, 1991

887-3353

Mr. & Mrs. Steve Antoniou
10524 Marriottsville Road
Randallstown, Maryland 21133

RE: PETITION FOR ZONING VARIANCE
N/S Marriottsville Road, 700' W of the c/l of Hernwood Road
(10524 Marriottsville Road)
2nd Election District - 3rd Councilmanic District
Steve Antoniou, et ux - Petitioners
Case No. 91-387-A

Dear Mr. & Mrs. Antoniou:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Mr. John Etzel
412 Delaware Avenue, Towson, Md. 21204

People's Counsel

File

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: May 10, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 16, 1991

This office has no comments for items number 357, 371, 372, 374, 375, 376, 378, 381 and 383.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

May 15, 1991

887-3353

Mr. & Mrs. Steve Antoniou
10524 Marriottsville Road
Randallstown, MD 21133

RE: Item No. 372, Case No. 91-398-A
Petitioner: Steve Antoniou, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Antoniou:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
17th day of April, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Dennis A. Kennedy
Dennis A. Kennedy
Chairman
Zoning Plans Advisory Committee

Petitioner: Steve Antoniou, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 24, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Steve Antoniou, Item No. 372

In reference to the Petitioner's requested variance, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM372/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

April 15, 1991

TO: Zoning Commissioner
Office of Planning and Zoning

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #372, Zoning Advisory Committee Meeting of
April 16, 1991, Mr. Steve Antoniou, et ux, N/S Marriottsville Rd.,
700' W of centerline Granite Road (#10524 Marriottsville Rd.),
D-2, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Soil percolation tests, have been conducted. The results are valid until April 11, 1993.

Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

SSF:rmk

rmk

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 17, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting
for April 16, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 8-Cycle IV-Case No. R-91-115, 357, 371, 374, 375, 376, 378, 380, 381 and 383.

For Item 10-Cycle IV-Case No. R-91-116, County Review Group Meeting may be required.

For Item 198-Case No. 91-254-A, the previous minor subdivision comments still apply.

For Item 372, this site must be submitted through the minor subdivision process for review and comments.

Dennis A. Kennedy
Dennis A. Kennedy, P.E., Acting Chief,
Developers Engineering Division

DAK:s

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: May 10, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 16, 1991

This office has no comments for items number 357, 371, 372, 374, 375, 376, 378, 381 and 383.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

May 15, 1991

887-3353

Julius W. Lichter, Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

RE: Item No. 381, Case No. 91-400-SPHA
Petitioner: Cohen Berger Lmtd Prtshp
Petition for Zoning Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Louis A. Cohen
Cohen Berger Limited Partnership
9428 Reisterstown Road
Garrison, MD 21055

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
17th day of April, 1991.

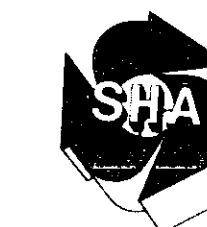
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Cohen Berger Lmtd Partnership

Petitioner's Attorney: Julius W. Lichter



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

April 15, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
At: James Dyer

RE: Baltimore County
Zoning meeting of
April 16, 1991
Heritage Auto Park
S/S Reisterstown Road
MD 140
120' east of Cedarmere Road
Item # 381

Dear Mr. Haines:

We have received the submittal for a variance to permit a total of six business identification signs totalling 660.2 square feet in lieu of the previously permitted five identification signs totalling 518.47 square feet and we offer the following:

We have forwarded this plan to our Highway Beautification Section, C/O George Dawson (333-1642) for all comments relative to zoning.

If you have any questions, please contact Larry Ducato (333-1350).

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

L.B/es

cc: Mr. George Dawson, wenc.
Mr. J. Ogle

My telephone number is 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

MAY 1, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Heritage Auto Park
S/S Reisterstown Road
Md. 140, 120 Ft. East of
Cedarmere Road
Baltimore County Zoning
Item #381.

Dear Mr. Haines:

Plans concerning the above subject were reviewed, and the location in question inspected by Mr. Jessie L. Parker, the Highway Beautification Inspector for the area.

This office has no objection to the location of the signs as per plans submitted. Should you need further information, please call me at 333-1640.

Sincerely,

George T. Dawson
George T. Dawson, Chief
Highway Beautification Section

GTD:JSK
cc: Mr. Jessie Parker

My telephone number is (301) 333-1640

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 24, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Cohen Berger Limited Partnership, Item No. 381

In reference to the requested variance, this office offers the following comments:

- To mitigate the impact of the number and scale of the existing and proposed signs, staff recommends that the applicant submit a landscape plan to the Baltimore County landscape planner. The plan shall then be forwarded to the deputy director of the Office of Planning and Zoning prior to the issuance of any building permits. Subsequent to the approval of the deputy director, the petitioner shall provide a copy of the approved landscape plan to the zoning office to ensure that it becomes a part of the official file.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM381/ZAC1

received
4/24/91

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

APRIL 12, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: COHEN BERGER LIMITED PARTNERSHIP
Location: #11234 REISTERSTOWN ROAD

Item No.: 381
Zoning Agenda: APRIL 16, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Jeffrey Long* 4-16-91 Noted and Approved
Planning Group Fire Prevention Bureau

JK/REK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
DATE: April 17, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting
for April 16, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 9-Cycle IV-Case No. R-91-115, 357, 371, 374, 375, 376, 378, 380, 381 and 383.

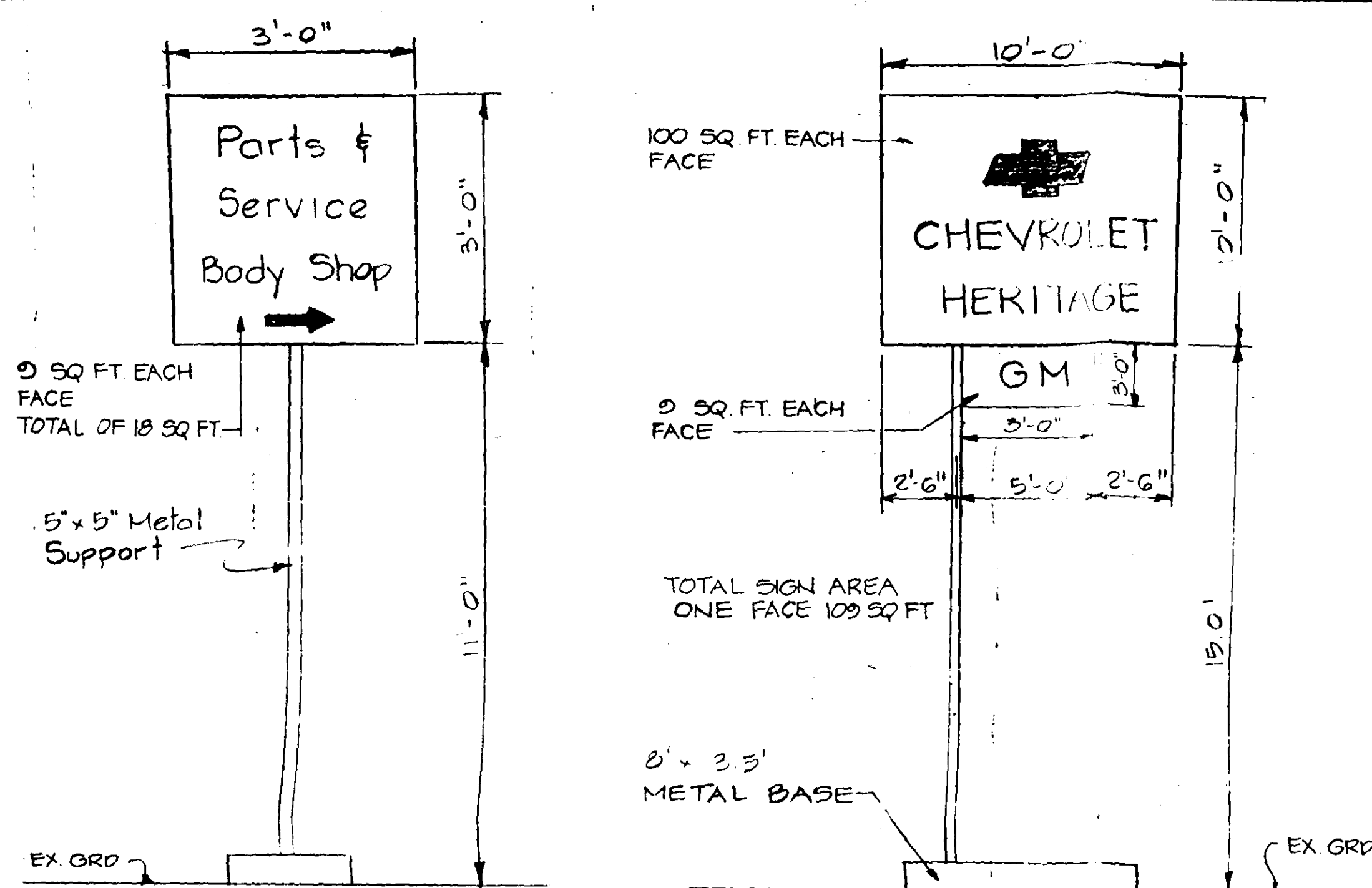
For Item 10-Cycle IV-Case No. R-91-116, County Review Group Meeting may be required.

For Item 198-Case No. 91-254-A, the previous minor subdivision comments still apply.

For Item 372, this site must be submitted through the minor subdivision process for review and comments.

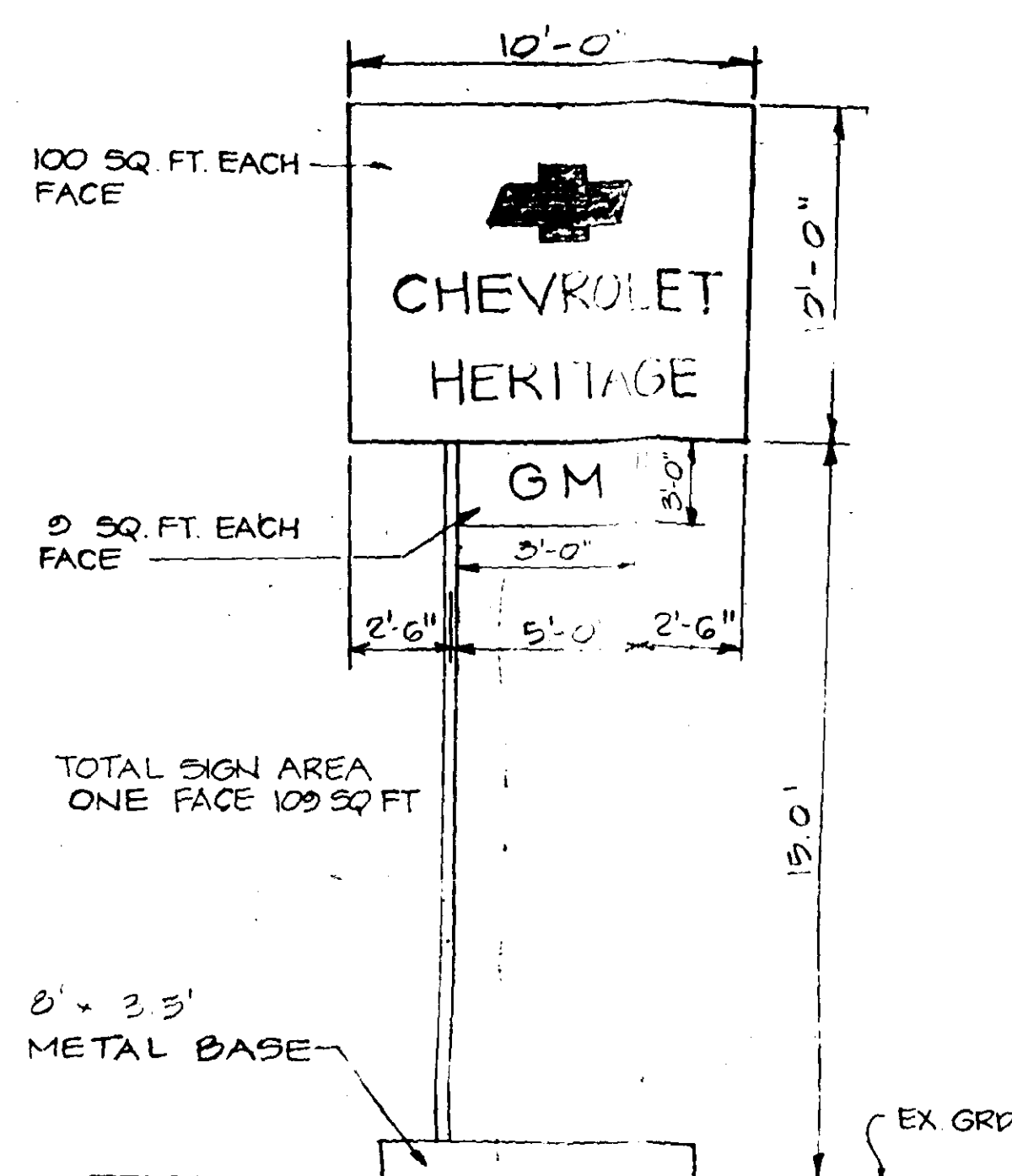
Dennis A. Kennedy
Dennis A. Kennedy, P.E., Acting Chief,
Developers Engineering Division

DAK:s

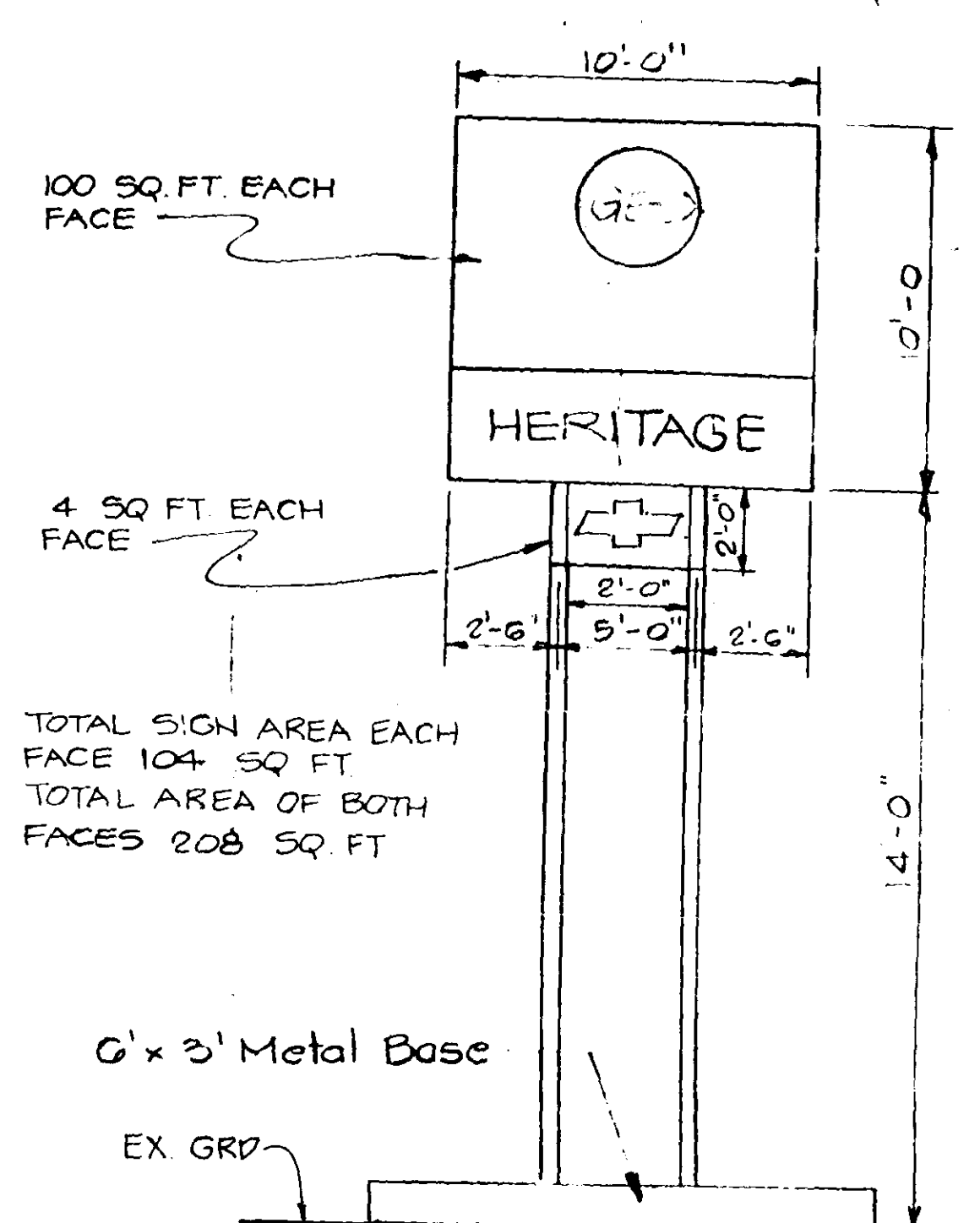


EXISTING SIGN #1
OTHER BUSINESS SIGN
N.T.S.

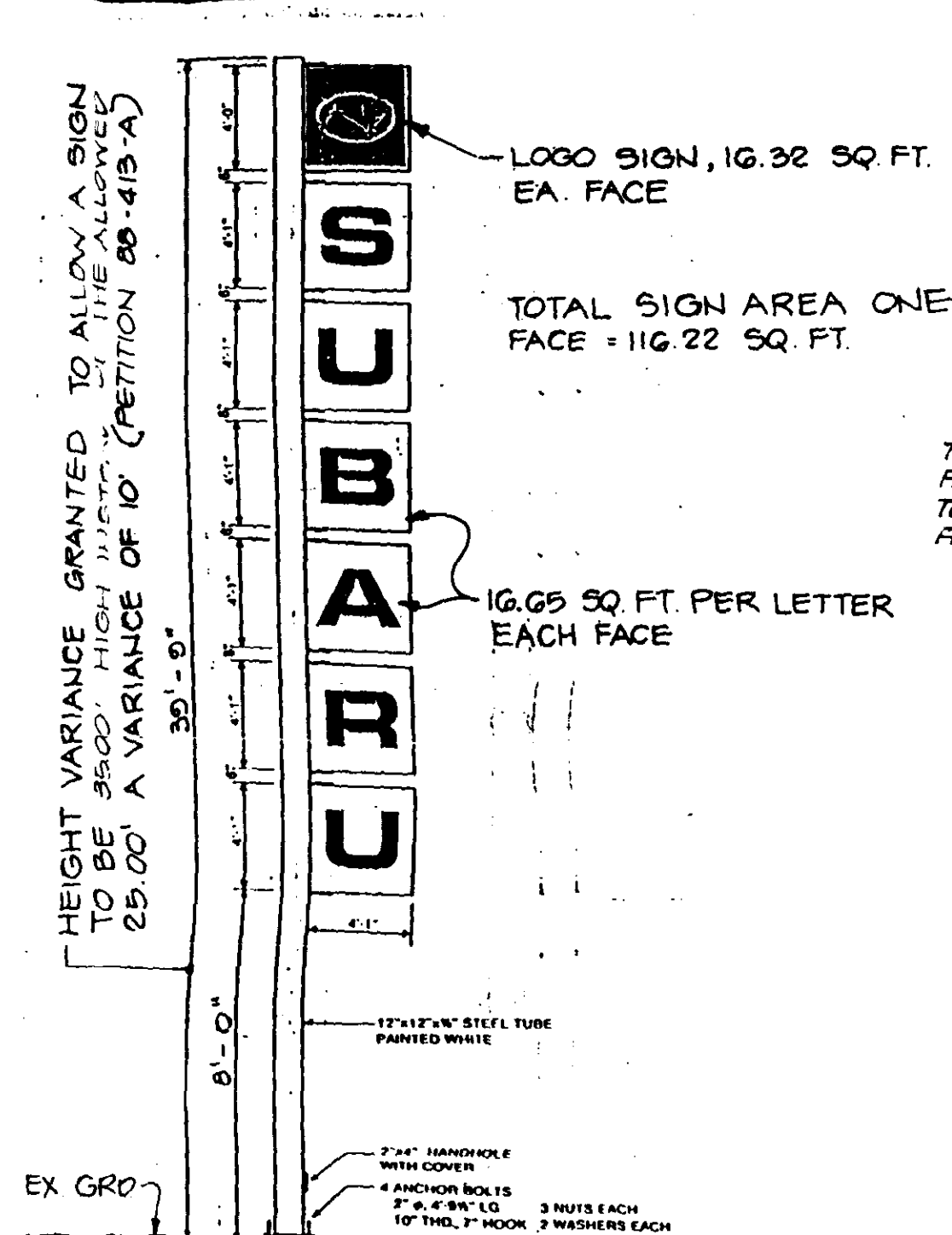
BETWEEN POLE DEALER IMPRINT SIGN



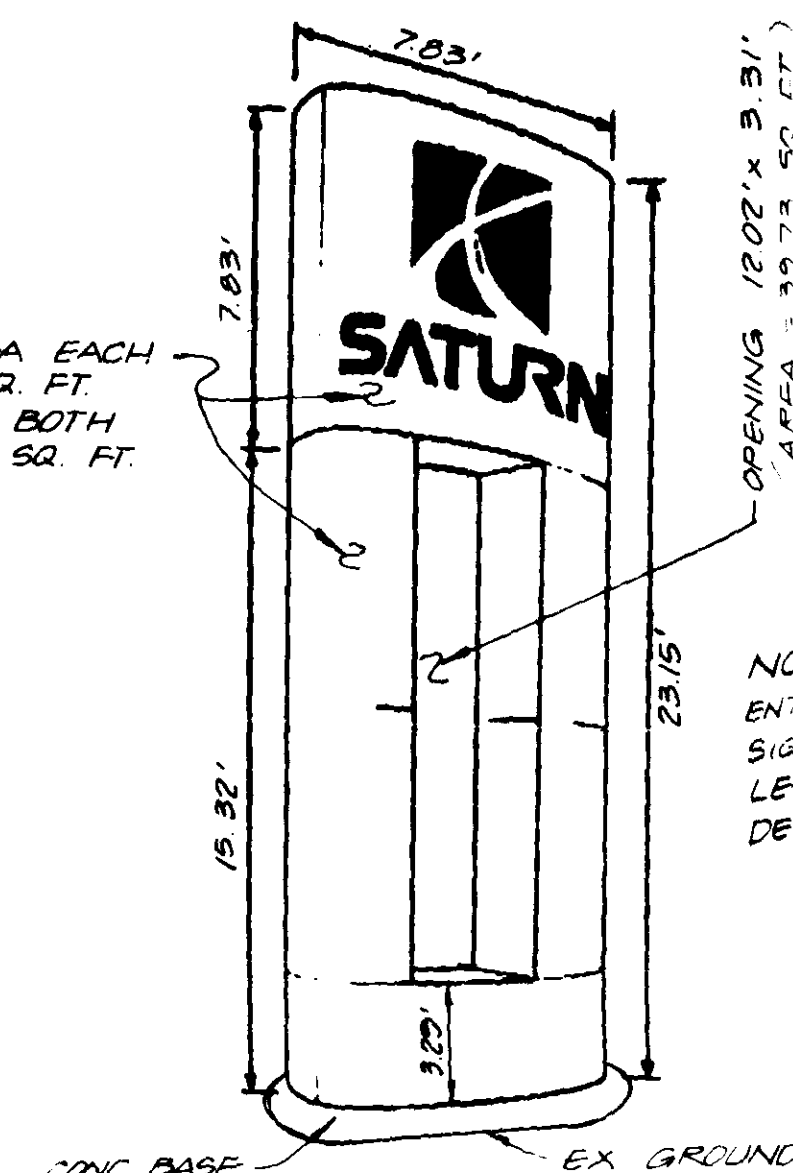
EXISTING SIGN #2
BUSINESS IDENTIFICATION SIGN
N.T.S.



EXISTING SIGN #3
BUSINESS IDENTIFICATION SIGN
N.T.S.

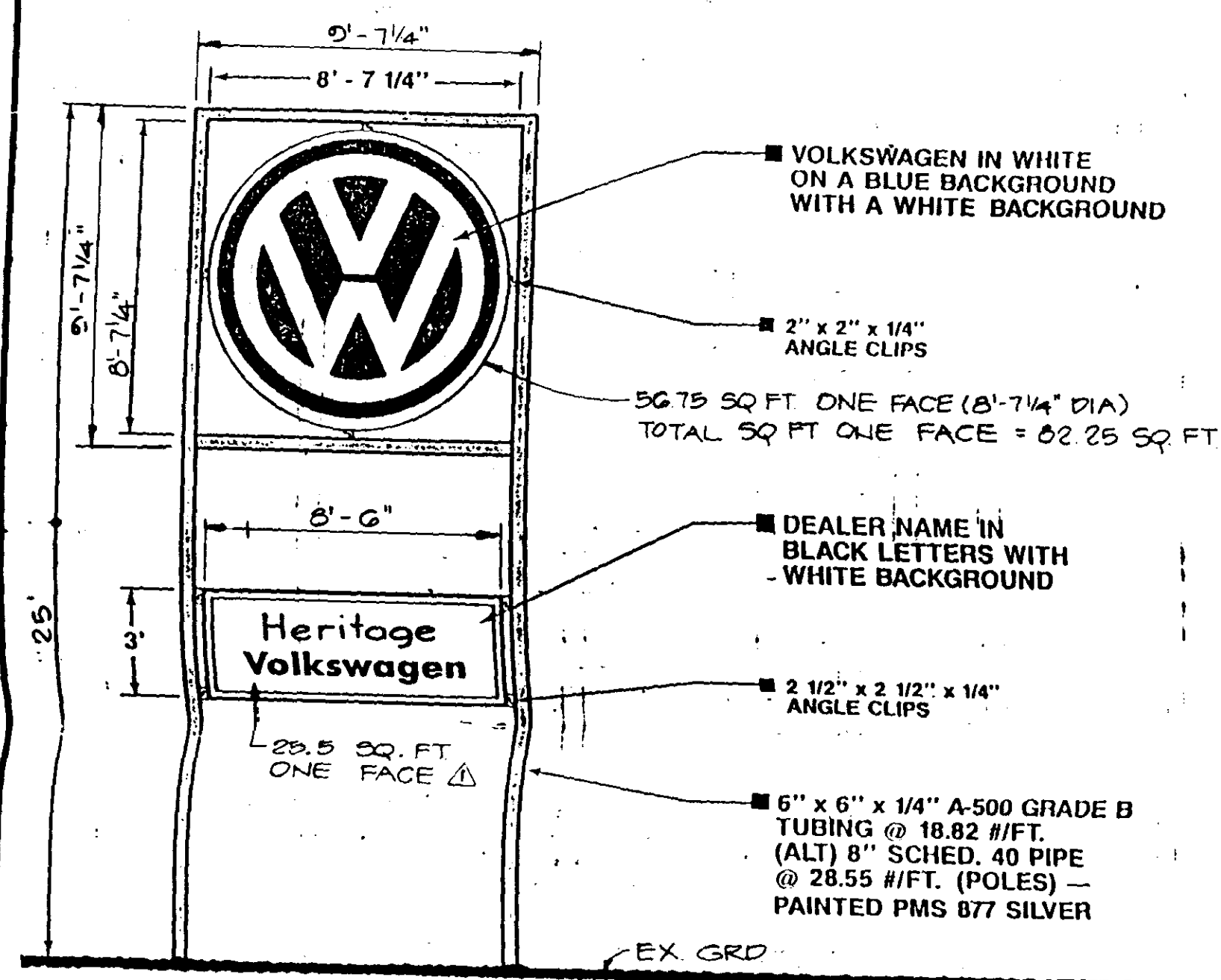


EXISTING SIGN #4
BUSINESS IDENTIFICATION SIGN
N.T.S.



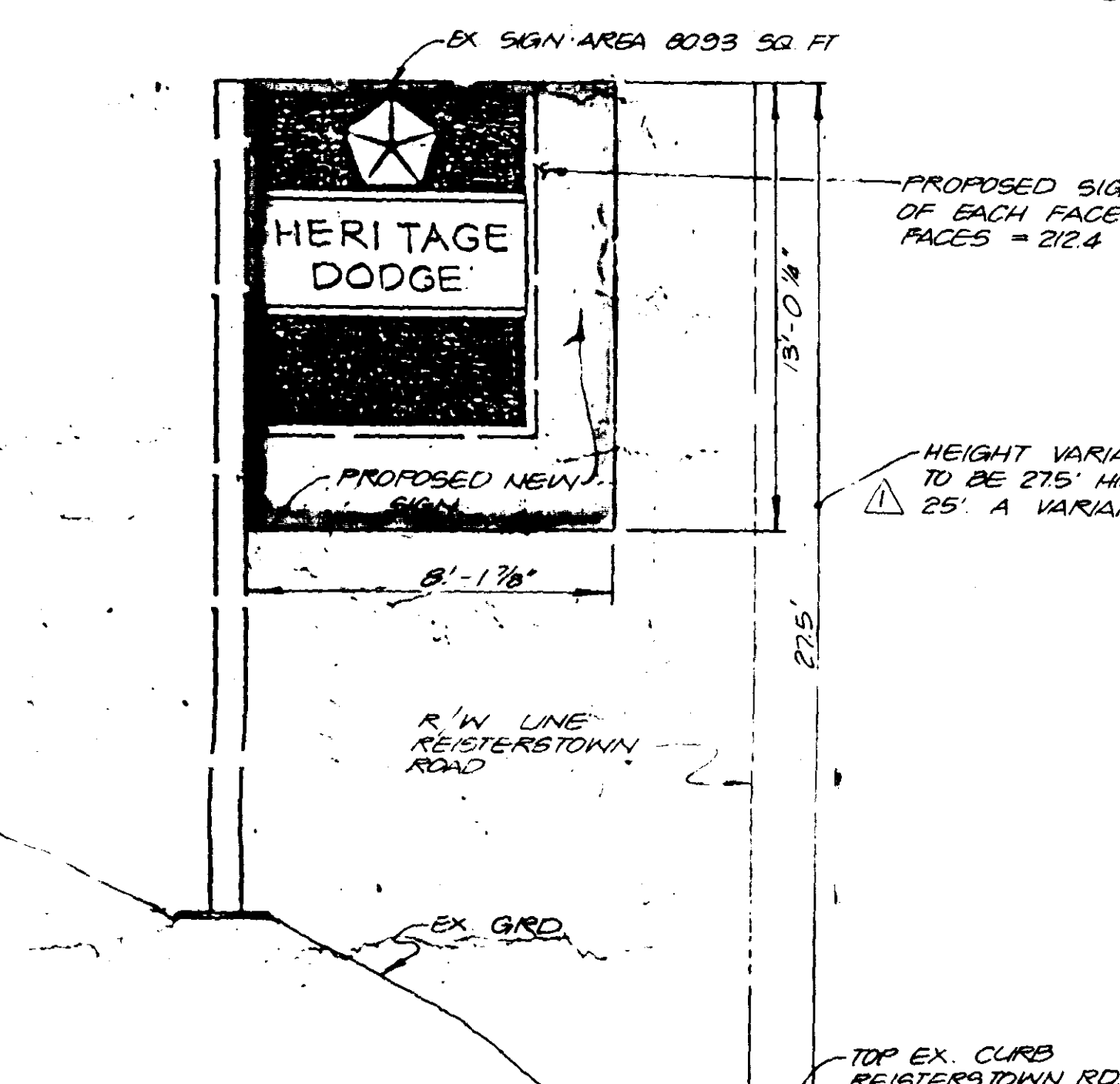
PROPOSED SIGN #7
BUSINESS IDENTIFICATION SIGN
N.T.S.

NOTE:
ENTIRE SIGN SURFACE AREA OF PROPOSED SIGN #7 HAS BEEN CALCULATED LESS THE CONCRETE BASE & THE DETAILED OPENING SHOWN.



EXISTING SIGN #5
BUSINESS IDENTIFICATION SIGN
N.T.S.

NOTE:
EXISTING SIGN #5 IS TO BE RELOCATED "AS IS" TO ANOTHER LOCATION ON REISTERSTOWN ROAD. SEE SITE PLAN (SHT. 1 OF 2.)



EXISTING SIGN #6
BUSINESS IDENTIFICATION SIGN
N.T.S.

△ ZONING COMMISSIONERS ORDER OF JUNE 14, 1989 PETITION NO. 89-491 SPHA. THE VARIANCES GRANTED HEREIN ARE LIMITED TO THE USE OF PROPERTY AS SET FORTH IN PETITIONER'S EXHIBIT 1, PAGE 2. IF THE SUBJECT PROPERTY IS USED FOR ANY OTHER PURPOSE A NEW HEARING MUST BE HELD PRIOR TO THE PLACEMENT OF ANY SIGNS ON THE PROPERTY OTHER THAN THOSE PERMITTED AS A MATTER OF RIGHT BY THE B.C.Z.R.

PROPOSED SIGN AREA = 106.25 SQ. FT. OF EACH FACE, TOTAL AREA OF BOTH FACES = 212.5 SQ. FT.

HEIGHT VARIANCE TO ALLOW A SIGN TO BE 27.5' HIGH INSTEAD OF THE ALLOWED 25'. A VARIANCE OF 2.5'.

ALTERNATIVE 'B'	
BUSINESS IDENTIFICATION SIGNS	
SIGN NO.	TOTAL SIGN AREA ONE FACE
EXISTING SIGN NO. 2	100 SQ. FT.
EXISTING SIGN NO. 3	104 SQ. FT.
EXISTING SIGN NO. 4	116.22 SQ. FT.
EXISTING SIGN NO. 5	82.25 SQ. FT.
EXISTING SIGN NO. 6 *	106.20 SQ. FT. △
PROPOSED SIGN NO. 7	141.53 SQ. FT.
TOTAL	659.2 SQ. FT. * △ △ △

* SEE VARIANCES REQUESTED ON SHEET 1 OF 2

ALTERNATIVE 'A'		
OTHER BUSINESS SIGNS		
SIGN NO.	SIGN AREA EACH FACE	TOTAL SIGN AREA BOTH FACES
EXISTING SIGN NO. 1	9	18 SQ. FT.
EXISTING SIGN NO. 3	104	208 SQ. FT.
TOTAL	113	226 SQ. FT.

BUSINESS IDENTIFICATION SIGNS		
SIGN NO.	SIGN AREA EACH FACE	TOTAL SIGN AREA BOTH FACES
EXISTING SIGN NO. 2	100	200 SQ. FT.
EXISTING SIGN NO. 3	104	208 SQ. FT.
PROPOSED SIGN NO. 5	82.25	164.5 SQ. FT.
EXISTING SIGN NO. 6 *	106.2	212.4 SQ. FT.
TOTAL	492.45	984.9 SQ. FT. *

* SEE VARIANCES REQUESTED ON SHEET 1 OF 2

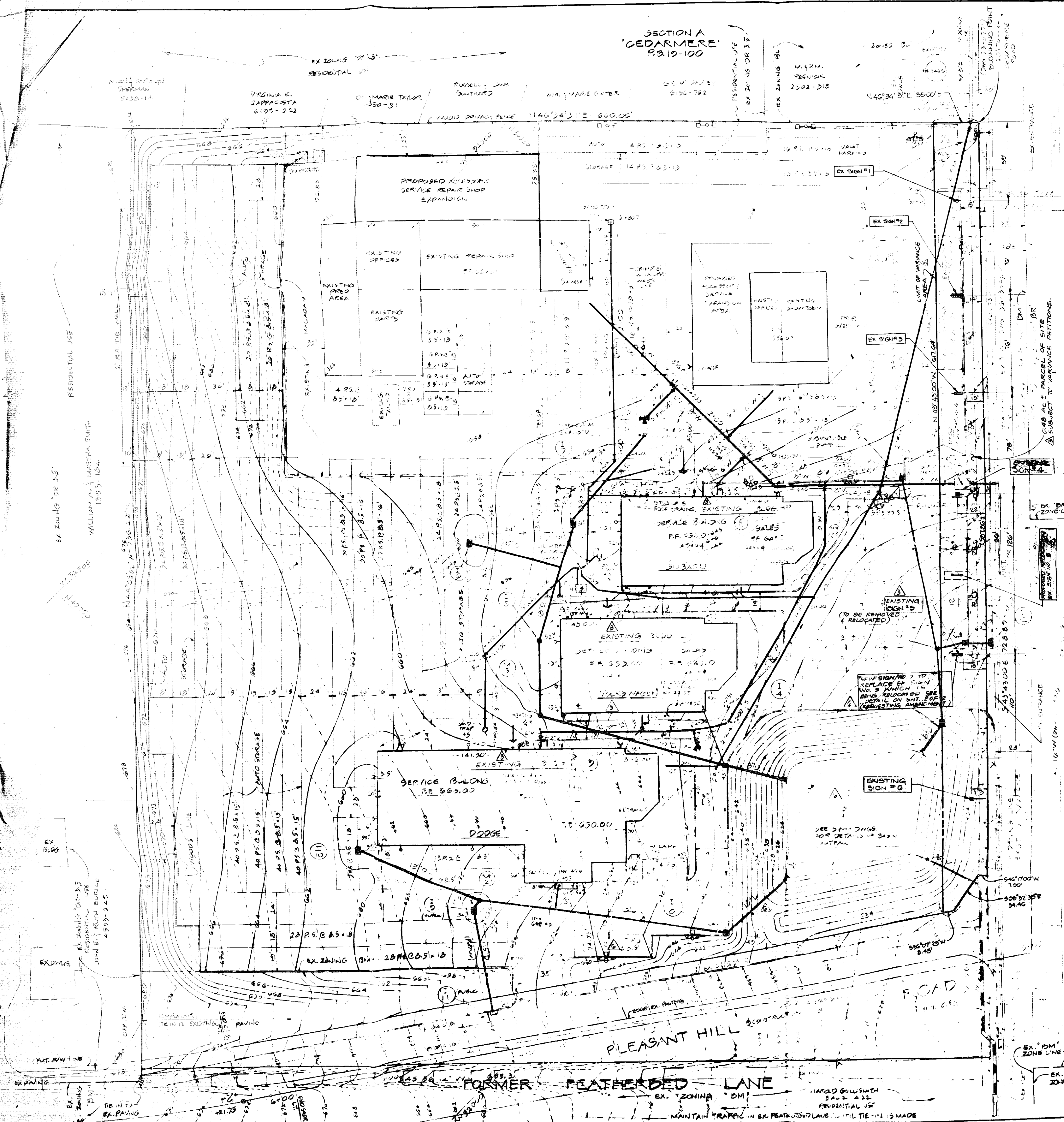
ALTERNATIVE 'B'		
OTHER BUSINESS SIGNS		
SIGN NO.	SIGN AREA EACH FACE	TOTAL SIGN AREA BOTH FACES
EXISTING SIGN NO. 1	9	18 SQ. FT.
TOTAL	9	18 SQ. FT.

PETITIONER'S
EXHIBIT 2

91-400-SPHA

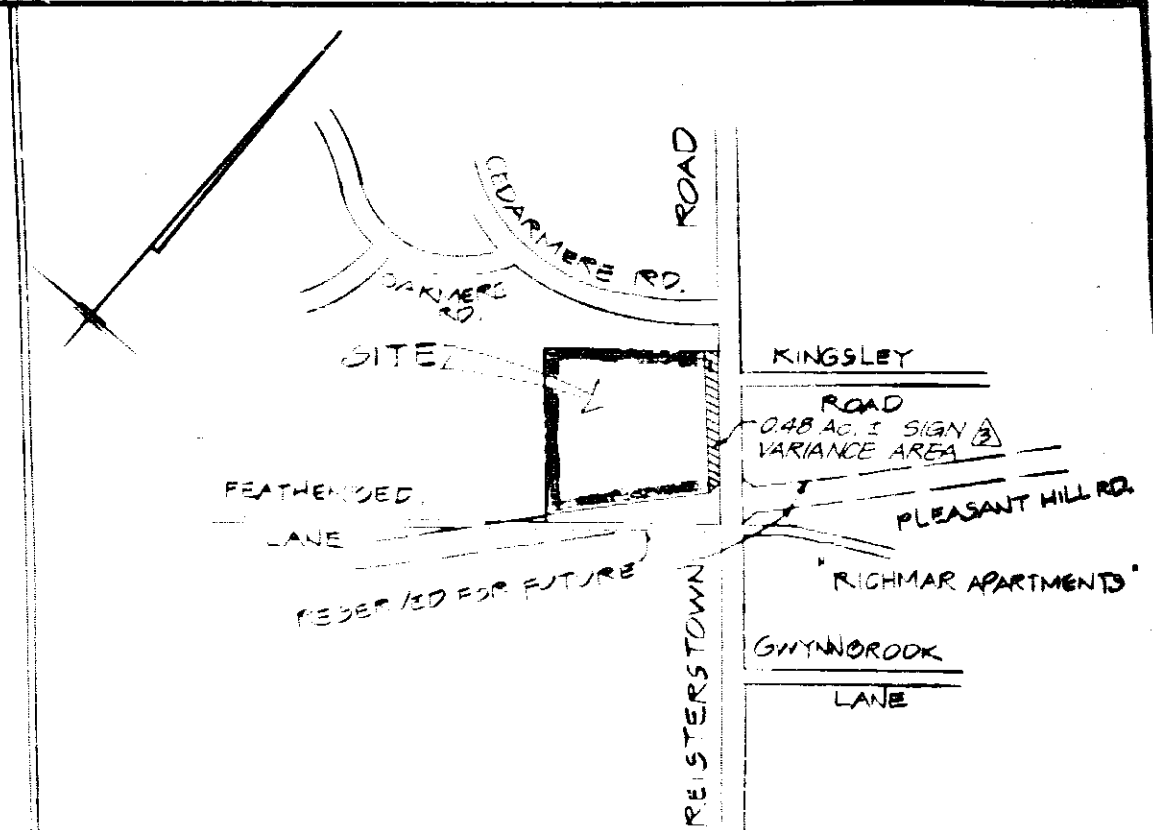
NOTES:
1. SEE SITE PLAN FOR SIGN LOCATIONS, SHEET 1 OF 2
2. SEE SHEET 1 OF 2 FOR SIGN NOTES

Donald A. Miller
3/15/89



GENERAL NOTES

1. SITE COVERAGE 11.2% AC. TOTAL SITE AREA 11.44 AC. NET AREA 10.4 AC. (10,000 SQ. FT.)
2. ZONING: RESIDENTIAL
3. EX. ZONING: RESIDENTIAL
4. EX. ZONING: RESIDENTIAL
5. EX. ZONING: RESIDENTIAL
6. EX. ZONING: RESIDENTIAL
7. EX. ZONING: RESIDENTIAL
8. EX. ZONING: RESIDENTIAL
9. EX. ZONING: RESIDENTIAL
10. EX. ZONING: RESIDENTIAL



ROAD (MD. 140)

SIGN NOTES

1. EXISTING SIGN NO. 1 IS A "BUSINESS IDENTIFICATION" SIGN AND NEW CAR SIGN.
2. EXISTING SIGN NO. 2 THRU 6 ARE "BUSINESS IDENTIFICATION" SIGNS AND NEW CAR SIGNS.
3. PROPOSED SIGN NO. 7 IS A "BUSINESS IDENTIFICATION" SIGN AND NEW CAR SIGN WHICH WILL BE LOCATED WHERE SIGN NO. 5 IS NOW. SIGN NO. 5 WILL BE LOCATED BETWEEN SIGNS NO. 4 & 7.
4. FOR DETAILS OF THESE SIGNS SEE SHEET 2 OF 2.

SIGN VARIANCES GRANTED

1. EXISTING SIGN NO. 1: PETITIONER WAS GRANTED A VARIANCE TO SECTION 413.2(1) OF THE BCZR TO ALLOW A TOTAL OF 424 SQUARE FEET FOR OTHER BUSINESS SIGNS INSTEAD OF THE ALLOWED 100 SQUARE FEET (A VARIANCE OF 324 SQUARE FEET).
2. EXISTING SIGN NO. 2, NO. 4, NO. 6 & PROPOSED SIGN NO. 5: PETITIONER WAS GRANTED A VARIANCE TO SECTION 413.2(1) OF THE BCZR TO ALLOW A TOTAL OF 4 BUSINESS IDENTIFICATION SIGNS TO BE ERECTED ALONG A STREET FRONTAGE INSTEAD OF THE 1 ALLOWED SIGN (A VARIANCE OF 3 SIGNS).
3. EXISTING SIGN NO. 4: PETITIONER WAS GRANTED A VARIANCE TO SECTION 413.4(3) OF THE BCZR TO ALLOW A TOTAL HEIGHT ABOVE STREET LEVEL TO BE 25.00' INSTEAD OF THE ALLOWED 25' (A VARIANCE OF 0.00').
4. EXISTING SIGN NO. 4, NO. 6 & PROPOSED SIGN NO. 5: PETITIONER WAS GRANTED A VARIANCE TO SECTION 413.2(1) OF THE BCZR TO ALLOW 3 BUSINESS SIGNS TO BE OPPOSITE LAND NOT ZONED COMMERCIAL.
5. EXISTING SIGN NO. 2, NO. 4, NO. 6 & PROPOSED SIGN NO. 5: PETITIONER WAS GRANTED A VARIANCE TO ALLOW 5 BUSINESS IDENTIFICATION SIGNS INSTEAD OF THE ALLOWED 100 SQUARE FEET (A VARIANCE OF 324 SQUARE FEET).
6. VARIANCES GRANTED BY BALTIMORE COUNTY BOARD OF APPEALS DATED SEPT. 14, 1988 (SEE PETITION NO. 88-413.A).

- VARIANCES GRANTED FOR EXISTING SIGNS IN ZONING CASE 89-49/SPHA**
1. SIGN NO. 6: PETITIONER WAS GRANTED A VARIANCE TO SECTION 413.5 (4) OF THE BCZR TO ALLOW A BUSINESS SIGN TO HAVE A HEIGHT OF 27.5' ABOVE THE LEVEL OF THE STREET INSTEAD OF THE ALLOWED 25' (A VARIANCE OF 2.5').
 2. ALTERNATIVE 'B': PETITIONER WAS GRANTED A VARIANCE TO SECTION 413.2(1) OF THE BCZR TO ALLOW 5 BUSINESS IDENTIFICATION SIGNS TO HAVE A TOTAL OF 516.47 SQUARE FEET INSTEAD OF THE GRANTED 388.4 SQUARE FEET (PETITION NO. 88-413.A) (A VARIANCE INCREASE OF 128.07 SQUARE FEET).

91-400-SPHA

REASON FOR SPECIAL HEARING:
PETITIONER IS REQUESTING A SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED SITE PLAN IN CASE NO. 89-49/SPHA AND VARIANCES FROM BCZR SECTION 413.2 (6) TO PERMIT A TOTAL OF SIX (6) BUSINESS IDENTIFICATION SIGNS TOTALING 650.2 SQUARE FEET INSTEAD OF THE PREVIOUSLY GRANTED FIVE (5) SIGNS TOTALING 516.47 SQUARE FEET.

PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING AND VARIANCES
EXHIBIT 1

HERITAGE AUTO PARK
411234 REISTERSTOWN ROAD
BALTIMORE COUNTY, MD
MARCH 3, 1989
4th ELECTION DISTRICT
SCALE: 1" = 30'

COUNCILMAN (DISTRICT 3) OWNER / DEVELOPER COPEN, ROYER LIMITED PARTNERSHIP 1000 E. EIGHTH STREET BALTIMORE, MD 21202 OWNERS: COPEN, ROYER TEL: 301-224-1850	ENGINEER KIDDE CONSULTANTS INC. 1020 CROMWELL BRIDGE ROAD TOWSON, MARYLAND 21204 TEL: 301-341-9900
--	--